



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,402	06/08/2001	Neil Weste	CISCO-4608	7695

21921 7590 12/15/2004

DOV ROSENFELD  
5507 COLLEGE AVE  
SUITE 2  
OAKLAND, CA 94618

EXAMINER
----------

CHOU, ALBERT T

ART UNIT	PAPER NUMBER
----------	--------------

2662

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/877,402	Applicant(s) WESTE ET AL.	
	Examiner Albert T. Chou	Art Unit 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06-08-2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,9-12,17 and 21-24 is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8,13,14 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 3,4,15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-2, 6-8, 13-14, 18,19 and 20 are rejected under U.S.C. 102 (e) as being anticipated by Malkemes et al. hereinafter referred to as Malkemes.
4. Regarding claims 1 and 13, Malkemes teaches (figure 1) a Wireless Network 100, comprising Receivers 120 (*mobile, wireless appliances*), a Gateway 104 (*base station connected to the internet*), an interface circuit (figure 1; col. 1, lines 52-61) for "plug-and-play" system (*for establishing an ad-hoc radio communication link among the wireless appliances and the base station*) and the interface circuit using IEEE 802.11a standard (col. 1, lines 31-40) and operating U-NII bands (figure 4) (*the interface circuit operates with carrier frequencies in the 5 GHz and data is transferred with OFDM*).

Art Unit: 2662

5. Regarding Claims 2 and 14, Malkemes teaches a Transceiver 216 (figure 2) implemented on an integrated circuit (*a single integrated circuit that implements a complete radio transceiver*).

6. Regarding claims 6 and 18, Malkemes teaches a Wireless Network 100, comprising an Antenna 6 (figure 1), a Transceiver 216 (figure 2), a Diplexer 228 (figure 2), Power Amplifiers 222 and 232 (figure 2), Modulator 214 & Demodulator 218 (figure 2), Low-noise Amplifiers 608a-608b (figure 6) (*physical layer interface PHY*). The Wireless Network 100 further comprises an IEEE 802.11a-compliant (col. 1, lines 31-40) interface circuit for "plug-and-play" system operating in U-NII bands (*IEEE-802.11-compliant media access controller MAC*). Malkemes further teaches (figure 2) the Gateway Logic 240 comprises a Gateway Firewall 210 (col. 5, lines 13-15) using MAC protocol (*IEEE-802.11-compliant media access controller MAC*) and a Reconfigurable ATM Adaptation Layer 2 242 (*SRAM for data buffering and program storage*).

7. Regarding claims 7 and 19, "the system further comprising a PCMCIA wireless LAN card" is inherent in Malkemes. Malkemes discloses that Wireless Network 100 (figure 1) provides the TCP/IP Internet service (figure 2, Reconfigurable ATM Adaptation Layer 2 242) to a plurality of Receivers. Malkemes further discloses a Personal Computer 110 (figure 1) is attached to a Receiver Node 120-1 (figure 1) with an Appliance Specific Processor 324 (figure 3). This means that a personal computer can access the Internet service via an Appliance Specific Processor 324 through the Wireless Network 100. For this to occur, it is necessary to have a PCMCIA or equivalent wireless LAN card to be

Art Unit: 2662

equipped within the Personal Computer 110 / Receiver Node 120-1 (figure 1) (A *PCMCIA wireless LAN card on which the PHY, MAC and SRAM are fully disposed*). Malkemes teaches (figure 2) that Transceiver 216 (figure 2) and Modulator 214/Demodulator 218 are each implemented in individual integrated circuit Radio Section 238 and Gateway Logic 240 (*RF Transceiver and modem are each implemented with CMOS technology in individual integrated circuits*).

8. Regarding claims 8 and 20, Malkemes teaches (figures 1-2) a Gateway 104 in a Wireless Broadband Network 100 comprises a Transceiver 216, a Modulator 214 and a Demodulator 218 (*OSI-defined layer 1 physical layer PHY functionality*).

***Allowable Subject Matter***

9. Claims 3, 4, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 5, 9-12, 17 and 21-24 are allowed

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizooou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2662

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC

Albert T. Chou  
December 10, 2004



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600